

TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Friday, November 16, 2007
1:00 PM
2 Fairgrounds Road
Conference Room

Board Members in attendance: Michael O'Mara, David Wiley, Dale Waine, Burr Tupper, Lisa Botticelli, Nancy Severens and Kerim Koseatac

Staff: John Brescher, Thomas Broadrick, Venessa Moore

- I. Call to Order:
 - Chairman Michael O'Mara called the meeting to order at 1:00 P.M.
- II. Update Regarding ZBA Administration:

Town Administrator Libby Gibson informed the Board that the Planning Staff would be helping the Zoning Board on a temporary basis.

III. Approval of the Minutes:

A motion was made to approve the Minutes (October 19, 2007 and November 1, 2007), duly seconded and voted 5-0.

- IV. Approval of the 2008 ZBA Meeting Schedule
 - A motion was made to approve the 2008 ZBA Meeting Schedule, duly seconded and voted 5-0.
- V. Old Business
 - 085-06 Reis 80 Miacomet Ave Reade

Action Deadline March 28, 2008; Continued to February 8, 2008.

■ 030-07 Burnham 12 ½ Sherburne Turnpike Reade

Action Deadline March 28, 2008; Continued to February 8, 2008.

047-07 Holdgate Partners Bernard Valley Road Hunter

Action Deadline December 28, 2007.

Attorney William Hunter asked to withdraw the application without prejudice. The board approved the withdrawal.

• 054-07 Nantucket Hunt. Assoc. Madequesham Valley Road Avery
Action Deadline November 30, 2007

Attorney Alison Zieff asked to continue this application to December 14, 2007 and extend the action deadline to February 29, 2008. The board approved this continuance.

087-07 Barrett 21 Somerset Road Cohen
 Action Deadline December 28, 2007.

Attorney Steven Cohen approached the Board and discussed the history of the Barrett business. Attorney Cohen mentioned that the expansion of the business is part of the "evolution of business" and the expansion is "natural". The question posed by the applicants and by the opponents is whether or not the current operations go beyond the normal expansion of a business.

Attorney Melissa Philbrick contended that the issue in front of the Board is the factual determination of what has changed. Thus, she and the other opponents claimed the expansion of the business is not within the normal scope of business evolution.

Zoning Enforcement Officer Marcus Silverstein reminded the Board that the application in front of them is an appeal – any other issue the applicants are focusing on is moot.

Members of the audience expressed their concerns with the application. Specifically, the abutters thought there had been too much growth, too much business, too much traffic, and too much noise.

The owner of the property and business, Chester Barrett, addressed the concerns brought by the abutters by agreeing to remove the wood chipper to reduce the level of noise. Mr. Barrett also contended that his business was not the sole cause of the increased traffic on Somerset Road.

A motion was made (Wiley) and duly seconded to continue the application to December 14, 2007 at 1:00 pm and voted 5-0 in favor.

■ 092-07 DiVenere 21 Mill Street Reade
Action Deadline January 17, 2008.

Attorney Arthur Reade represented the applicants. Attorney Reade submitted a revised site plan.

A motion was made (O'Mara) and duly seconded to approve the application and voted 4-1 in favor (Tupper opposed).

■ 093-07 Simeonov 18 New Street Beaudette
Action Deadline January 17, 2008.

Attorney Richard Beaudette represented the applicants and attempted to retain the non-conforming building and lot status despite demolishing the building.

Zoning Enforcement Officer Marcus Silverstein argued that the applicants had no right to retain the non-conforming status if they were going to demolish the dwelling.

A motion was made (Koseatac) and duly seconded to approve the application and voted 0-5 against.

■ 096-07 Webb 96 Baxter Road Weinman

Action Deadline February 15, 2008.

Attorney Rhoda Weinman represented the applicant. Attorney Weinman indicated that the proposed addition would not make the dwelling more non-conforming and therefore Special Permit relief is appropriate.

A motion was made (Waine) and duly seconded to approve the application and voted 4-1 in favor (Severens opposed).

097-07 Michael Scott Realty Corp. 17 Main Street
 Action Deadline February 15, 2008.

Attorney Arthur Reade explained to the Board that the proposed addition would merely close in the area by Coal Alley. The Board insisted that the addition be solely used for storage space for The Nobby Shop and that no work be done between Memorial Day and Columbus Day.

A motion was made (Koseatac) and duly seconded to approve the application and voted 5-0 in favor.

098-07 DAW Nominee Trust 16 Baxter Road Reade
 Action Deadline February 15, 2008.

Attorney Arthur Reade represented the applicants. The applicants proposed to relocate their garage and dwelling. The relocation would encroach into the rear setback and therefore the Board wondered whether or not the applicants could relocate the garage and dwelling so as to conform to the Zoning Bylaw.

Attorney William Hunter opposed the application and suggested to the board that the relocation of the garage and dwelling would be more detrimental to the neighborhood.

The Board proposed the application be continued to the December 14, 2007 meeting in order for the Board to have an opportunity to read the letters of support and letters of opposition from the abutters and to determine if the relocation will be more detrimental to the neighborhood.

A motion was made (Wiley) and duly seconded to continue the application and voted 5-0 in favor.

• 099-07 Huffard, Platt, and Phillips 41 Easton Street Reade Action Deadline February 15, 2008.

Attorney Arthur Reade represented the applicant. The issue before the Board was whether or not variance relief was the appropriate measure, given the lack of a topographical hardship. Nonetheless, the board determined that given the applicant's prior difficulties with contractors and builders, variance relief is the appropriate remedy.

A motion was made (Waine) and duly seconded to approve the application and voted 4-1 in favor (Severens opposed).

■ 100-07 Cliff Cottage Nominee Trust 47B Cliff Road

Philbrick

Action Deadline February 15, 2008.

Attorney Melissa Philbrick represented the applicant. Attorney Philbrick asked that the board re-issue a Special Permit because it has lapsed. No work had been done to the property and it was therefore in the same condition as when the Special Permit was originally issued.

A motion was made (Waine) and duly seconded to approve the application and voted 5-0 in favor.

■ 101-07 New England Development 11 New Whale Street Philbrick Action Deadline February 15, 2008.

Attorney Melissa Philbrick represented the applicant. Attorney Philbrick worked with the Board to modify the location of the handicap ramp. The original site plan showed the handicap ramp on the side of the building. The board thought having the ramp in the alley along the side of the building would cause the alley to be too narrow for pedestrian traffic. The board therefore proposed for the ramp to be relocated to the front of the building.

A motion was made (Wiley) and duly seconded to approve the application with the change in the handicap ramp location and voted 5-0 in favor.

■ 103-07 Town of Nantucket 2 Fairgrounds Road Gibson Action Deadline February 15, 2008.

Mr. Charlie Gibson brought the application on behalf of the Town of Nantucket. The Town is seeking a height variance for the proposed Municipal Public Safety Facility. The board wanted to ensure that the height be no higher than forty-eight (48) feet for the cupola and no higher than forty-five (45) feet for the remainder of the facility.

A motion was made (O'Mara) and duly seconded to approve the application and voted 5-0 in favor.

VII. Adjournment:

A motion was made (O'Mara) and duly seconded to adjourn the meeting at 5:30 P.M.